

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference BLACK/CUM	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/GB 03/04496	International filing date (<i>day/month/year</i>) 17.10.2003	Priority date (<i>day/month/year</i>) 18.10.2002
International Patent Classification (IPC) or both national classification and IPC E04G21/32		
Applicant BLACK, Robert, David		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 13.05.2004	Date of completion of this report 17.01.2005	
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 </div> </div>	Authorized Officer Andlauer, D Telephone No. +31 70 340-3141	



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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4 as originally filed

Claims, Numbers

1-4 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3, 4
	No: Claims	1, 2
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.1 Reference is made to the following document/s/:

D1: US-A-1 474 250 (FRANK FOLLIARD) 13 November 1923 (1923-11-13)

D2: US-A-3 128 842 (C. SATRUM) 14 April 1964 (1964-04-14)

D3: FR-A-2 663 075 (TESTU PIERRE) 13 December 1991 (1991-12-13)

D4: US-A-4 371 057 (BLIER DANIEL) 1 February 1983 (1983-02-01)

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

2.2 The document D1 discloses (the references in parentheses applying to this document):

A constructional unit (cf. fig. 2) characterised by a support frame which is O-shaped in plan bounding an open central region, the support frame including first and second members which are each U-shaped in plan (resp. (13 and (14); U-shape: two successive (16) and (19) resp. (23), each member being in the form of a base frame from which extend two side arms (16); the first and second members having their side arms telescopically engaged to define sides to the open central region of the O-shaped support frame; the telescopic engagement providing for the spacing of the first base frame from the and second base frame to be adjustable over a range of distances; and the temporary securing of the first member to the second member at a predetermined spacing; the base frame of the first member (13) being adapted for location at a first level at a first working location; the second member (14) being adapted, at a position remote from the first member, for location at a second level at a second working location by means of at least one leg (20) pivotally attached at or near one end of the, or each, leg to the base frame of the second member (14) or to a side arm thereof; the opposite end to the one end of the, or each, leg (20) being adapted for location on the second working location; the second level being offset from and below the first level (cf. fig. 2).

2.3 It is noted that the central region as disclosed in D1 would allow access of small articles through it (as opposed to a "filled" central region cf. p.2/paragraph 3, through which no passage is possible).

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2.4 D1 also discloses the features of claim 2.

- 3.1 It seems however that D1 differs from what is described in the application and represented in the figures (but not in the claims) in that the access of persons is possible through the open central region (cf. description "background art" and p.3/l.25-27).
- 3.2 Should this feature be included in claim 1, the subject-matter of this claim would still not involve an inventive step in the sense of Article 33(3) PCT.
- 3.3 Indeed, the document D4, which could then be considered to represent the most relevant state of the art, discloses a constructional unit from which the subject-matter of this modified claim 1 differs in that the leg/s are pivotally attached to the base frame.

The problem to be solved by the present invention may therefore be regarded as, for instance, providing a more compact storing configuration to the unit.

The solution proposed in such a modified claim 1 cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons: these features have already been employed for the same purpose in a similar unit, see document D1, fig. 2 and 4; it would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a unit according to document D4, thereby arriving at a unit according to such a modified claim 1.

- 3.4 D4 also discloses the features of claim 3.
- 4.1 The remaining claim 4 does not appear to contain any additional feature which, in combination with the features of the claims on which they depend, would lead to a subject-matter involving inventive step (Article 33(3) PCT), as these features are known from the documents cited in the search report cf. e.g. D3, feature (23).